

Financial Institutions Table of Contents

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ORS Mission

The mission of the Office of Recovery Services (ORS) is to serve children and families by promoting independence through responsible parenthood and to ensure public funds are used appropriately. This reduces costs to public assistance programs. ORS works with parents, employers, federal, state and private agencies, professional associations, community advocates, the legal profession and other stakeholders and customers in an efficient and courteous manner. ORS works within the bounds of state and federal laws and limited resources to provide:

[Services on behalf of children and families](#) in obtaining financial and medical support, through locating parents, establishing paternity and support obligations, and enforcing those obligations when necessary;

[Services to reimburse the state for costs of supporting children](#) placed in its care and/or custody, by obtaining financial and medical support, through locating parents, establishing paternity and support obligations, and enforcing those obligations when necessary;

[Collection of medical reimbursement from responsible third parties](#) to both reimburse and avoid state Medicaid costs.

For more information: <http://www.ors.utah.gov>

COMMON FIDM QUESTIONS

1. What does FIDM stand for?

Financial Institution Data Match Program

The FIDM program stems from Federal legislation passed in 1996, which requires state child support agencies to enter into agreements with financial institutions and to automate to the greatest extent possible. Additional legislation in 1998 simplified the process for multi-state financial institutions doing business in more than one state. Although the procedures for data match with single-state and multi-state financial institutions differ, the requirements are identical.

Each state is responsible for identifying and matching data with single-state financial institutions. To accomplish this, states conduct outreach to financial institutions and provide guidance.

The Office of Recovery Services (ORS) is authorized by Utah law U.C.A. 62A-11-304.1 to impose liens and levy (attach and seize) upon money and property held in financial institutions to satisfy past-due child support obligations recorded on the Utah State Case Registry (ORSIS computer system). ORS is authorized to levy upon the money even if the non-custodial parent is making regular current and/or arrears support payments. Generally, ORS will only levy upon savings and other types of savings depository accounts, such as retirement accounts and mutual funds.

Under Federal law at 42 U.S.C. 666(a)(17), ORS is required to implement and maintain a data match system with financial institutions for locating the assets of child support debtors. ORS conducts data matching with various in-state and out-of-state financial institutions.

To levy upon a non-custodial parent's financial assets, ORS sends a "Notice of Lien-Levy" (forms NLLS or NLLC) to the financial institution, such as a bank or credit union. The financial institution is required to freeze the account and send the money to ORS after 21 calendar days unless it receives a release from ORS or from a court. ORS may release all or part of the funds if the lien-levy action has been contested and a determination has been made that some or all of the funds are exempt from levy.

2. Will the Office of Recovery Services reimburse financial institutions for the cost of the match incurred by the financial institution?

Under 62A-11-304.5(2), ORS is authorized to pay a reasonable fee to a financial institution for compliance with this law. The fee may not exceed the actual cost incurred. ORS has established a maximum fee reimbursement of \$150.00 per quarter. To receive the reimbursement institutions may submit a FIDM FM03 form.

3. When does the financial institution send in the FM03 form for reimbursement?

Each financial institution submits the FM03 form within 30 days of the end of each quarter. If ORS receives the FM03 form after 30 days, the request will be denied.

4. Who is subject to financial information matching and reporting under Utah Law?

(a) a depository institution as defined in Section 7-1-103 or the Federal Deposit Insurance Act, 12 U.S.C. Sec. 1813(c);

(b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12 U.S.C. Sec. 1813(u);

(c) any federal credit union or state credit union as defined in the Federal Credit Union Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit union as defined in 12 U.S.C. Sec. 1786(r);

(d) a broker-dealer as defined in Section 61-1-13; or

(e) any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to do business in the state.

5. What information must be submitted by financial institutions subject to the reporting requirements of the law?

Utah law at 62A-11-304.5(1)(a)(ii) requires every financial institution each calendar quarter to provide the name, record address, Social Security number, other taxpayer identification number, or other identifying information for any person who owes child support who maintains an account at the institution. The data layouts and methods for submitting the information are included in the specification handbook. This information must be reported quarterly for all new, existing and closed accounts during the reporting quarter.

6. What reporting methods are available to financial institutions?

Institutions may report using an electronic data mover (File Transfer Protocol), magnetic media or manual reporting. The methods are as follows:

METHOD 1: (All Accounts Method)

Institutions/Service Providers may elect to submit to (ORS), on a quarterly basis, a file identifying all open accounts. Every institution electing this option must submit a file each quarter of all accounts to be matched against the ORS data files. ORS will then send a data file within 30 days back to the institution or service agent with a list of “hits” for those obligors/account holders that matched. The institution/service agent must then return a file within 30 days of “B” RECORD for each matched account.

METHOD 2: (Matched Accounts Method)

Institutions/Service Providers may elect to match files supplied by ORS, on a quarterly basis (and within 30 days of receiving ORS' file) against all accounts maintained at that institution. Institutions electing this option must report information required by ORS on all accounts at the institution maintained by obligors/account holders on ORS' inquiry file.

MANUAL:

Those institutions which have 600 or fewer accounts may elect to submit quarterly a manual match of all open accounts. The data must meet all specifications regarding identifying data required as explained in the Financial Institution Data Matching booklet.

7. Do I need to sign a FIDM Agreement every year?

No. As part of the ORS changes for 2005, Institutions will no longer be required to sign an agreement every year. The FIDM Agreement will now be effective for three years.

FILE TRANSFER PROTOCOL (FTP)

In order to participate using the FTP method:

1. You must have a web browser which can run “Secure Sockets Layer” (SSL).
2. You must provide ORS with an IP address for the machine or machines which will be used in the data exchange.
3. After the FIDM contract has been signed, the ORS coordinator will issue each institution a logon ID and a password designed for each individual institution.

This method will be easier, faster and more secure for everyone involved. FTP is available now for all institutions. Please read the following information for FTP technical explanations which will hopefully give you a better understanding of the FTP process.

***Financial Institution Data Matching
Program Agreement***

STATE OF UTAH
DEPARTMENT OF HUMAN SERVICES
Office of Recovery Services/Child Support Services

PURPOSE:

This agreement is between the Utah State Department of Human Services, *Office of Recovery Services/Child Support Services*, herein after referred to as *ORS*, and, _____

_____, herein after referred to as the *Financial Institution*. This Agreement establishes requirements to be met by the *ORS* and the *Financial Institution*, pursuant to Utah Code Annotated 62A-11-304.5 and section 466(a)(17) of the Social Security Act, for the purpose of developing and operating a data match system. The *Financial Institution* shall participate in the automated exchange of data by providing, on a quarterly basis, identifying information for each non-custodial parent who maintains an account at such institution and who owes past-due support, as identified by the *ORS*. The automated data exchange system will be implemented and managed through the child support enforcement program of the *ORS* and/or its authorized agent.

Financial Institution agrees to the following:

1. Submit the required data quarterly using one of the approved methods.
2. Submit for reimbursement based on incurred cost using the FM01 reimbursement request.
3. Contact the ORS Financial Institution Data Matching Program Coordinator with any questions or concerns.
4. Protect the confidentiality of any data/information supplied to the financial institution by ORS.

Office of Recovery Services/Child Support Services agrees to the following:

1. Maintain an FTP site and provide alternate options for receiving/submitting data to financial institutions.
2. Accept and process data received within 30 days.
3. Reimburse Financial Institution based on quarterly incurred cost.
4. Provide information as needed.

ACTION:

To participate, the *Financial Institution* must sign and return this Agreement by February 1, 2005.

PARTIES TO THE AGREEMENT:**Tiffeni Wall****Project Coordinator****Office of Recovery Services****Agency****PO Box 45033****Address****Salt Lake City, UT 84145-0033****City State Zip****orsfidm@utah.gov****E-mail Address****(801) 536-8902 (801) 536-8509****Phone Fax****Contact Name****Institution Name****Address****City State Zip****E-mail Address****Phone Fax****DATA ELEMENTS AND REQUIREMENTS:**

All data supplied under this Agreement as required below shall be in accordance with the Financial Data Match Specifications Handbook. (Published/Distributed – August 2001).

TRANSMITTING METHODS:

The following are the accepted transfer media used by the *ORS* at this time. Please check the type of media selected:

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> FTP | <input type="checkbox"/> METHOD 1 |
| <input type="checkbox"/> 3480 CARTRIDGES | <input type="checkbox"/> METHOD 2 |
| <input type="checkbox"/> 3490 CARTRIDGES | |
| <input type="checkbox"/> MANUAL MATCH (600 accounts or less) | |

Those institutions electing to receive a 3490E cartridge will be required to return the data on a 3490E cartridge. Institutions are advised that the *ORS* will return all used tapes/cartridges to the initiating *Financial Institution*. The *ORS* will require the return of the *ORS* tapes/cartridges after the completion of each quarterly match. Retention of the used tapes/cartridges will result in a fee charged to the *Financial Institution*.

AGENT:

The *Financial Institution* may designate an agent to perform the data match on its behalf by completing the information below.

Agent: _____

Contact Person: _____

Title: _____

Street Address: _____

Mailing Address (if different) _____ Telephone _____

Fax: _____ E-mail: _____

COSTS AND FEES:

In accordance with Utah Code Annotated 62A-11-304.5, the *ORS* may pay a reasonable fee to a *Financial Institution* for compliance with this program. The reimbursement may not exceed the actual costs of the transference and matching of data. The reimbursement does not include programming costs and will not exceed \$150.00 per quarter.

If a *Financial Institution* seeks a quarterly reimbursement, the *Financial Institution* shall be required to furnish the *ORS* an account of expenditures/costs incurred in the performance of transfer services. The *Financial Institution* shall submit an itemized statement of services rendered for the prior quarter and an ORS FM01 FORM, (*Financial Institution Reimbursement Request*) within 30 days of the end of each calendar quarter. Claims shall be submitted to:

Attention: Tiffeni Wall
Office of Recovery Services
PO Box 45033
Salt Lake City, UT 84145-0033

(801) 536-8902 Fax: (801) 536-8509 E-mail: orsfidm@utah.gov

ADDITIONAL TERMS:

This agreement will commence February 1, 2005 and end February 1, 2008. The Agreement may be amended, waived or voided in writing at any time by mutual consent of both parties.

SIGNATURES:

Financial Institution:

Financial Institution Name

Contact Signature	Title	Date
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Financial Institution Service Provider (If Applicable):

Institution Name

Agent Signature	Title	Date
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Office of Recovery Services/Child Support Services:

Emma L. Chacon	Director, ORS	Date
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James N. Kidder	IV-D Director, Deputy Director, ORS	Date
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Mike Tazelaar	Deputy Director, ORS	Date
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Tiffeni Wall	Financial Institution Matching Coordinator	Date
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<p style="text-align: center;">Office of Recovery Services FIDM QUARTERLY TRANSMITTAL FORM INSTITUTIONS WITH 600 OR FEWER ACCOUNTS FM02 Rev. 1/05</p>

Date Reported: _____ TIN#: _____

Institution Name: _____

Address: _____

Contact Person: _____

Phone: _____ Fax: _____ E-mail: _____

Number of Accounts Reported: _____ Hard Copy Attached: _____

Comments:

Please return this form with each Quarterly Manual Match to:

Attention: Tiffeni Wall
Office of Recovery Services
PO BOX 45033
Salt Lake City, UT 84145-033
(801) 536-8902
Fax: (801) 536-8509
E-mail: orsfidm@utah.gov

Financial Institution Reimbursement Request

Rev 08/04

State of Utah
Department of Human Services
Office of Recovery Services
FM01

Reimbursement request date: _____

***NOTE: Reimbursement requests must be submitted within 30 days of the end of the quarter. Reimbursements received after this period will not be paid.**

Quarter in which cost was incurred: (check one)

1st Quarter: _____ 2nd Quarter: _____ 3rd Quarter: _____ 4th Quarter: _____

(Jan, Feb, Mar)
Dec)

(Apr, May, June)

(July, Aug, Sept)

(Oct, Nov,

Institution Name

TIN/EIN

Address

Telephone

Contact Name

Telephone

Service Agent Name

TIN/EIN

Address

Telephone

Contact Name

Telephone

Service Agent's Signature: (person authorized to request reimbursement match) **Date:** _____

Actual Cost of Match: \$
*** NOTE: ORS WILL REIMBURSE UP TO**
\$150 PER QUARTER

Date Approved _____ **Approved by** _____

Date to Financial Svs _____.

Return this form to: Attention: Tiffeni Wall Office of Recovery Services, P.O. Box 45033, SLC, UT 84145
Phone (801)536-8902 Fax: (801) 536-8509 E-mail: orsfidm@utah.gov

What is FIDM? > Overview > Federal Legislative Authority

Public Law 104-193

Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), provides new enforcement remedies for child support. Among these are Section 466(a)(17) of the Social Security Act (the Act) which requires states to establish procedures under which the state child support enforcement (IV-D) agency enters into agreements with financial institutions doing business in the state for the purpose of securing information leading to the enforcement of child support orders. The state shall develop and operate, in coordination with financial institutions, a data match system in which each financial institution will provide quarterly the name, record address, Social Security number or other taxpayer identification number for each non-custodial parent who maintains an account at such institution and who owes past-due support. The state supplies the name and Social Security number or other taxpayer identification numbers. These procedures must provide for automated data exchanges to the maximum extent feasible.

The state child support agency establishes procedures to identify cases subject to the data match and to any subsequent attachment/lien and levy action. Financial institutions subject to the matching provision are required to encumber or surrender the assets of the delinquent obligor held by the institution in response to the notice of attachment/lien and levy from the state agency. The attachment/lien and levy action is subject to the laws of the state where the asset is located.

The data matches are conducted by either of the following two methods using data specifications. Under Method 1 (all accounts method), the financial institution submits a file containing all open accounts which is matched by the state against records of delinquent obligors. Under Method 2 (matched accounts method), the financial institution receives a file identifying delinquent obligors, matches the file against its open accounts and submits a file of any matched records to the state. Data specifications for Method 2 files and record layouts were approved by the U.S. Office of Management and Budget (OMB Control No: 0970-0196) on March 5, 1999. The same data specifications have been universally adopted for Method 1.

Section 466(a)(17)(B) of the Act establishes that the state child support agency may pay a reasonable fee to institutions conducting the data match, not to exceed the actual costs incurred by the institution. Some states have written into their legislation the option to reimburse financial institutions for conducting the data match with accounts of delinquent child support obligors.

Pursuant to Section 466(a)(17)(C) of the Act, a financial institution will not be liable under any federal or state law to any person for (1) any disclosure of data match information to the state IV-D agency or its designated representative, (2) encumbering or surrendering any assets held by a financial institution in response to a notice of lien or levy issued by the state IV-D agency or (3) any other action taken in good faith to comply with the requirements of Section 466(a)(17) of the Act.

Public Law 105-200

Public Law 105-200, the Child Support Performance and Incentive Act of 1998, amended PRWORA to better facilitate the data match for multistate financial institutions (MSFIs); i.e., those operating in two or more states. Public Law 105-200 authorizes the federal Office of Child Support Enforcement to act as the conduit between states and territories and the MSFIs in the development and implementation of a centralized, quarterly data match program for the collection of child support delinquencies. Multistate financial institutions may opt to match through the Federal OCSE or with the individual states in which they do business. Beginning in July 1999, OCSE began distributing the national file of delinquent obligors to the MSFIs for matching using Method 2. OCSE began distributing match information to state IV-D agencies in August 1999.

Public Law 106-102

Traditional insurance products, such as annuities and whole life policies, are not specifically included in the definition of account under Public Law 104-193 though they may be reportable to a particular state under its own statute. The banking reform bill leaves the regulation of the business of the insurance industry under the laws and regulations of the states.

PRWORA required states to establish procedures under which their child support enforcement agencies would enter into agreements with financial institutions for the purpose of securing information leading to the enforcement of child support orders. All states have passed the necessary statutes to comply with this requirement. These statutes are similar to the federal statute in defining the financial institutions, and accounts subject to the match and providing other pertinent information relevant to conducting the data match.

In addition, states have laws, policies and procedures that govern the execution of liens and levies. These usually establish parameters, define terms and establish procedures. Items addressed usually include lien threshold, lien duration and due process.

What is FIDM? > Freeze/Seize Process > In-State Processing

State Authority

States have statutes that govern the execution of liens and levies. These statutes usually establish parameters, define terms and establish procedures. Items addressed usually include:

- ✓ Lien threshold- the amount that the lien-eligible debt must equal or exceed before lien is issued.
- ✓ Arrearage debt - the sum of child support arrears.
- ✓ Lien duration - the time period the lien is in effect.
- ✓ Due Process- the right to notice of the lien and to appeal.

Utah Laws governing liens and levies is located at Utah Code Annotated 62A-11-304.1

Statutory Authority

Utah Code Annotated (UCA) 62A-11-304.1 states:

“(1) The office may, without the necessity of initiating an adjudicative proceeding or obtaining an order from any other judicial or administrative tribunal, take the following actions related to the establishment of paternity or the establishment, modification, or enforcement of a support order, and to recognize and enforce the authority of state agencies of other states to take the following actions:

... (b) subpoena financial or other information needed to establish, modify, or enforce a support order, including:

... (ii) information held by financial institutions on such things as the assets and liabilities of a person who owes or is owed support;

... (h) secure assets to satisfy past-due support by:

... (ii) attaching and seizing assets of an obligor held in financial institutions;

... (2) (a) When taking action under Subsection (1), the office shall send notice under this Subsection (2)(a) to the person or entity who is required to comply with the action if not a party to a case receiving IV-D services. The notice shall include:

(i) the authority of the office to take the action;

(ii) the response required by the recipient;

(iii) the opportunity to provide clarifying information to the office under Subsection (2)(b);

(iv) the name and telephone number of a person in the office who can respond to inquiries; and

(v) the protection from criminal and civil liability extended under Subsection (7).

(b) The recipient of a notice sent under Subsection (2)(a) shall promptly comply with the terms of the notice and may, if the recipient believes the office's request is in error, send clarifying information to the office setting forth the basis for the recipient's belief.

... (4) The office may impose a penalty against an entity for failing to provide information requested in a subpoena issued under Subsection (1) as follows:

(a) \$25 for each failure to provide requested information; or

(b) \$500 if the failure to provide requested information is the result of a conspiracy

between the entity and the obligor to not supply the requested information or to supply false or incomplete information.

(5) (a) Unless a court or administrative agency has reduced past-due support to a sum certain judgment, the office shall provide concurrent notice to an obligor in accordance with Section **62A-11-304.4** of:

(i) any action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection **62A-11-304.5**(1)(b) if Subsection (5)(b)(iii) does not apply; and

(ii) the opportunity of the obligor to contest the action and the amount claimed to be past-due by filing a written request for an adjudicative proceeding with the office within 15 days of notice being sent.

(b) (i) Upon receipt of a notice of levy from the office for an action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection **62A-11-304.5**(1)(b), a person in possession of personal property of the obligor shall:

(A) secure the property from unauthorized transfer or disposition as required by Section **62A-11-313**; and

(B) surrender the property to the office after 21 days of receiving the notice unless the office has notified the person to release all or part of the property to the obligor.

(ii) Unless released by the office, a notice of levy upon personal property shall be:

(A) valid for 60 days; and

(B) effective against any additional property which the obligor may deposit or transfer into the possession of the person up to the amount of the levy.

(iii) If the property upon which the office imposes a levy is insufficient to satisfy the specified amount of past-due support and the obligor fails to contest that amount under Subsection (5)(a)(ii), the office may proceed under Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection **62A-11-304.5**(1)(b) against additional property of the obligor until the amount specified and the reasonable costs of collection are fully paid.

(c) Except as provided in Subsection (5)(b)(iii), the office may not disburse funds resulting from action requiring notice under Subsection (5)(a)(i) until:

(i) 21 days after notice was sent to the obligor; and

(ii) the obligor, if he contests the action under Subsection (5)(a)(ii), has exhausted his administrative remedies and, if appealed to a district court, the district court has rendered a final decision.

(d) Before intercepting or seizing any periodic or lump-sum payment under Subsection (1)(h)(i)(A), the office shall:

(i) comply with Subsection **59-10-529**(2)(a); and

(ii) include in the notice required by Subsection **59-10-529**(2)(a) reference to Subsection (1)(h)(i)(A).

(e) If Subsection (5)(a) or (5)(d) does not apply, an action against the real or personal property of the obligor shall be in accordance with Section **62A-11-312.5**.

(6) All information received under this section is subject to Title 63, Chapter 2, Government Records Access and Management Act.

(7) No employer, financial institution, public utility, cable company, insurance organization, its agent or employee, or related entity may be civilly or criminally liable for providing information to the office or taking any other action requested by the office pursuant to this section.

(8) The actions the office may take under Subsection (1) are in addition to the actions the office may take pursuant to Part 4, Income Withholding in IV-D Cases.”

UCA 62A-11-304.5 states:

“(1) The office shall enter into agreements with financial institutions doing business in the state:

(a) to develop and operate, in coordination with such financial institutions, a data match system that:

(i) uses automated data exchanges to the maximum extent feasible; and

(ii) requires a financial institution each calendar quarter to provide the name, record address, social security number, other taxpayer identification number, or other identifying information for each obligor who:

(A) maintains an account at the institution; and

(B) owes past-due support as identified by the office by name and social security number or other taxpayer identification number; and

(b) to require a financial institution upon receipt of a notice of lien to encumber or surrender assets held by the institution on behalf of an obligor who is subject to a child support lien in accordance with Section **62A-11-304.1**.

(2) The office may pay a reasonable fee to a financial institution for compliance with Subsection (1)(a), which may not exceed the actual costs incurred.

(3) A financial institution may not be liable under any federal or state law to any person for any disclosure of information or action taken in good faith under Subsection (1).

(4) The office may disclose a financial record obtained from a financial institution under this section only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation.

(5) If an employee of the office knowingly, or by reason of negligence, discloses a financial record of an individual in violation of Subsection (4), the individual may bring a civil action for damages in a district court of the United States as provided for in the Social Security Act, 42 U.S.C. Sec. 669A.

(6) The office shall provide notice and disburse funds seized or encumbered under this section in accordance with Section **62A-11-304.1**.”

UCA 62A-11-313 states:

“(1) After receiving notice that a support lien has been filed under this part by the office, no person in possession of any property which may be subject to that lien may pay over, release, sell, transfer, encumber, or convey that property to any person other than the office, unless he first receives:

(a) a release or waiver thereof from the office; or

(b) a court order that orders release of the lien on the basis that the debt does not exist or has been satisfied.

(2) Whenever any such person has in his possession earnings, deposits, accounts, or balances in excess of \$100 over the amount of the debt claimed by the office, that person may, without liability under this part, release that excess to the obligor.”

Office of Recovery Services Contact Information

MAILING ADDRESS:

PO BOX 45033
Salt Lake City, UT 84145-0033
FAX: (801) 536-8509

CONTACTS:

Tiffeni Wall	FIDM Coordinator	(801) 536-8902
Joyce Linder	Program Administrator	(801) 536-8948
Shauna Hair	Multi-State FIDM Coordinator	(801) 536-0375
Tim Corless	Data Processing Advisor	(801) 536-0311

E-MAIL: ORSFIDM@UTAH.GOV OR TIFFENIWALL@UTAH.GOV